



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
AUGUST 11, 2011**

Special Meeting	A community meeting of the Common Council of the City of Middletown was held in the Community Room at South Farms Fire Station, Randolph Road, on Thursday, August 11, 2011 at 7 p.m.
Present	Deputy Mayor Joseph E. Bibisi, Council Members Gerald E. Daley, Robert P. Santangelo, Grady L. Faulkner, Jr., David Bauer, and Daniel Drew; Sergeant-at-Arms Acting Chief of Police Patrick McMahon, and Council Clerk Marie O. Norwood.
Absent	Mayor Sebastian N. Giuliano, Council Members Thomas J. Serra, Ronald P. Klattenberg, Philip J. Pessina, Joseph E. Bibisi, Hope P. Kasper, Deborah A. Kleckowski, James B. Streeto, and Corporation Counsel William Howard.
Also Present	Six members of the public
Meeting Called to Order	The Deputy Mayor calls the meeting to order at 7:06 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Deputy Mayor Bibisi declares the Call a Legal Call and the Meeting a Legal Meeting.
Public Comment Opens	The Acting Chair opens public comment on items under the jurisdiction of the Common Council at 7:07 p.m.

David Sandler, Chamberlain Road states he has lived in Middletown for 25 years and the deterioration of the valley has occurred over the last 25 years. There is a lack of response from the City of Middletown. He states there are ATVs out here, fireworks, and speeders; we have a little sign out here to tell you how fast to go, but they don't obey it and no one does anything. His two main issues are the ATVs and fireworks. He lived near a junk yard and when it was sold it was cleaned up by the owner. In 1986, there was a cease and desist order on the owner of the property with the junk and it didn't work until property sold. He understands about fireworks and holidays, but it is constant out here and when he calls the Police, it is always there are no officers here or a shift change. His dog leaves a pile in his living room because of the noise from the fireworks; the dog gets scared. He called the Police last time and identified the people doing it and they said they would find someone to go out; when he told them that he would knock on the door the Police said they don't want a confrontation and came out immediately. Mr. Sandler states they bought an air conditioner and close up the house now; it is the only way to stop the dog from panicking all night because of the noise from the fireworks. He has had two officers at his house over 15 years. The ATVs are horrendous and it has gotten a little better in the last month because of the interdiction of the State Attorney General's office. He knows officers can't chase them, but it is the same two families and they are on the road, the yards, and preserved land. When he calls the police, he gets shift change as the problem. He states that ATVs are illegal and they are not supposed to be on the road. There are speeders; he is a salesman and uses cruise control to maintain speed. He goes down the road and gets passed by people, including the residents all the time. He presented a spreadsheet of speeders to the Police with make, model, license plate and description of driver and was told by the officer what did he want the officer to do about it. When you go down Chauncey Street you get Chamberlain Road one way and Chamberlain Hill Road the other way; the signs were not correct. It only got changed when someone called about a potential medical emergency and if the medics took the wrong turn and something happened, the City would be liable. When all the houses popped up, people stopped caring. We get no response. We pay our taxes and we have no kids. We pay our taxes and buy in Middletown, but we get no action and he hopes there will be some action on the quality of life issues. You want to sit on your back deck in the evening after a long day at work and you only have ATVs riding in the back yard and when you address them they say if you.

Acting Chair Bibisi states the Chief is behind you and if you document it, you can share it with him. Acting Chief McMahon states for the record, he is calling dispatch and not the police. We go when we are sent and he will discuss this with the Director of Dispatch. If they are making excuses, he will talk with the Director and we will discuss your issues.

Acting Chair Bibisi asks for other members of the public wishing to address Council.

Cindy Gardino, Chauncey Street, discusses the ATV and dirt bike activity. She has had a horse for 19 years and the kids started riding their ATVs on their

property and it scares her horse. She has been hurt and the horse has been hurt. We have tried to discuss this with them and they don't care. She discusses the State statute and she states we called the police and when they come out we get different excuses as to why they can't enforce the statute. We hired an attorney and he agreed what they are doing is a violation of the law and he sent notice and did it a second time and the Mayor agreed it is a violation of the law, but over the years they cannot get any one to listen. In 2009, they discussed their concerns with the Acting Chief and he explained he had a ruling from the State Attorney's Office that it didn't apply. He would not give it to them at the meeting and would not give it to us until after the meeting and all it is, is a police report and it discusses only minibikes and motorcycles. The law is ATVs and dirt bikes and the Chief still chose to use that ruling to say they cannot enforce this law. In 2011, they sent a letter to State Attorney's Office explaining the problem and they did an investigation and they determined the information was incorrect in the report and they instructed Middletown Police to enforce the law. We want the Police to enforce the law, but they said first they would put them on notice and then come and enforce the law and we do not know where it stands. We went to the City Attorney and Mayor's Office to put them on notice that if they get hurt or her horse gets hurt, the town will be liable. The Acting Chief was told to get in touch with us and finally did and gave us his personal cell phone number and we have no reason to contact him and he was not truthful with us and this is on going since 2004. This is ridiculous. I can't go near my horse any more. We have it on record that the horse is harassed by the ATVs. My next step is to call the State Attorney's Office to let them know nothing is happening. Dirt bikes on the road have been better and police have come out. Speeders are another issue and they had the police out there on the speeders but they are giving warnings for people doing 50 mph. It is a joke. The fireworks at midnight. My horse is going ballistic. There are other horses in the neighborhood; there is a riding farm on Wilcox and they have disabled kids on horses and someone will get hurt; it is a matter of time.

Mike Gardino states it seems like the only time action is taken is after I went to the Attorney's office and put the City on notice of a liability issue if they don't enforce the law. I went to see the Attorney and I was told he was not there and when asked why I was there, and said to put them on notice, the City Attorney was all of a sudden there. The Chief stated to us they are motocross bikes and they can put a light on it and register it. That is out of control. I am here to say that I have the right to protect my property and myself and if the police won't do it I will do it.

Councilman Daley states he lived on South Bartholomew Road and the power lines and I sympathize with you and it drove us crazy and it is a problem in the more rural areas and before Kleen Energy was built the former mining site in terms of reclamation, it was destroyed because of the bikers out there. If the laws are not strong enough and the City feels they are not clear and it does not give them authority, then we should work with the State delegation to strengthen the laws so it is clearer on this type of activity. He asks the speakers, the family with ATVs, is it the same with fireworks. Mr. Gardino responds yes, but there are three families that do it. One of families with ATVs doesn't do fireworks. Last night, there was another family. Councilman Daley asks if it is kids or adults. Mr. Sandler states he could see the fireworks go up at Wilcox and Millbrook and pulled in front of the house and called the police to tell them where that is and told them to hold on and a fireworks went off and the person he was speaking to was surprised with the sound that went over the phone. Mr. Sandler states the state wanted to license dirtbikes and use the money to provide a space where they could use their bikes, but the owners don't want to be known.

Councilman Bauer states to Councilman Daley's comments; he likes to walk around the reservoir and there are issues of jurisdiction. He can take a walk and be on CVH campus, and State of Connecticut woodland and CL & P property and private property and you try to talk to someone and the jurisdiction spaghetti, I have given up. Mr. Sandler states the law says they can't be there.

Councilman Drew states they can look at it in Ordinance Study. Mr. Gardino states there is something in the Statute that allows the town to make a law of where they can't be ridden and the hours. Councilman Drew states he and Councilman Bibisi are on Ordinance Study and we can address the use of them in neighborhoods; they will draft one. Mr. Gardino states it is beyond that. The Chief should come down and listen to the noise at his barn door when the bikes start up. Councilman Drew states they will look at strengthening the local ordinance.

Salvatore Caracoglia states about five months ago, he raised an internal affairs investigation on Brian White and Officer (inaudible). He is here about both disputes. He was the victim and the first one against Brian White, this investigation, he got a letter that his report is unfounded and gave him the definition and he did not provide sufficient evidence and he did not violate the law. He invokes the Council as to their duties. Section 8, Chapter 3 says specifically that the Council has power to investigate any department of the City. You have the power to do it. He will not give up on this; he will protest on every

street until it is done. For 15 years, he has been harassed by the cops. They would arrest him 5 or 6 times on false evidence because Councilmen have framed me up and another Council person said he harassed her when he was in California. Stalking; supposedly he stalked Mrs. Marselli and after a year, that every time he does something they arrest him and the articles in paper say he is crazy. Acting Chair Bibisi states all the cases have been adjudicated. Mr. Caracoglia responds, yes. Supposedly he gets arrested three years ago for placing signs on a kiosk and shows a photo of the kiosk; he was exercising his first amendment rights and this Lady, Mrs. Santangelo.

Point of Information

Councilman Drew states he is making statements about an adjudicated case. Acting Chair Bibisi states he doesn't want character assassination. Councilman Santangelo states that the case found him guilty and he lost the appeal. Councilman Daley states you were not arrested for putting up signs.

Mr. Caracoglia responds yes, he was. He states he was putting up signs and a lady came out and asked what he was doing and she said they were character assassinations and she bumped me and pulled them aside. I removed her hand and told her she was revoking my first amendment rights and 20 minutes later a police officer comes and another witness came forward. What happened between the time of the incident and the officer showing up, he doesn't know. He reads Officer White's report and according to the report he slapped Mrs. Santangelo's hands to stop her. Councilman Drew asks if we are going to readjudicate the case tonight. The Acting Chair asks Mr. Caracoglia how many times we are doing this.

Councilman Daley asks what you do want us to do. Mr. Caracoglia states I want you to investigate this agency based on his letter and he has evidence and the kiosk is maintained by the downtown business district. This lady lied and Officer White felt she had to remove the sign because of the content and she changed testimony and said she is a member of the Chamber and she had the right. He wrote to the downtown business and no the Chamber does not have authority on the signs and she does not work for the downtown business district.

Councilman Daley asks if we agree to note your request and we will request the Chief give us the internal reports. Acting Chair Bibisi states we will have the Chief present evidence to us. Mr. Caracoglia states he has the Dispatch Center from Wayne Bartolotta that Officer White came on the scene at 12:30. He said he came and testified that he saw him slap someone's hands and that is in the report and when he testified he said I did not slap the lady's hands and that I hit her arm which is different from the report. He said the lady said she removed the sign from the back and he placed it on the front.

Councilman Daley states we understand you are passionate about this. Mr. Caracoglia states I have the report from Wayne Bartolotta which is in contrast from Officer White and 12:31 he got a ticket for disorderly conduct and the Officer White was dispatched at 12:31 and gave the ticket at 12:33. According to his report he wrote the report 2 minutes before he was on the scene.

The Acting Chief states the Chair of Public Safety is here and he finds Mr. Caracoglia's comments that the Department is corrupt, offensive. He states that some of the reports are confidential. He suggests that one Democrat, the Chair of Public Safety and one Republican from Public Safety meet with him to go over the reports; they can report back to their caucus and decide whether or not the department should be investigated.

Councilman Santangelo states he will recuse himself from as the one to review the documentation because it concerns his wife.

Councilman Bibisi states they will do them one at a time. Mr. Caracoglia states on November 12, 2010 he was assaulted by an individual. He hit me, pushed me and I fell on the ground and he called the Police and two people came to the place and this person does not investigate who did it. There were 15 witnesses. Mr. Caracoglia asked the officer if he saw the blood from his head; he asked if he had to make a statement. The Officer said he would tell him when the investigation is over. He never heard from him. The next week he gave the officer a statement and he never investigated anyone because he asked the people who were there. Mr. Caracoglia states this has to stop. When a son or daughter of a Councilman gets into trouble, it gets squashed and it is not reported and if it is the prosecutor, he throws it out.

Councilman Daley moves to adjourn and is seconded by Councilman Santangelo. Councilman Daley states we have heard it before. Councilman Bauer states there was a specific request made and he thought councilman Daley made a valid point and there should be some process. Councilman Daley responds what the Chief proposed is good and one democrat and one republican from Public Safety will review the report and Mr. Caracoglia can bring a copy of everything to the Mayor's office and if the caucuses feel an investigation is warranted, then the Council will do it. Councilman Bibisi states you have to get the material prepared. Mr. Caracoglia states he wants to give the evidence he

has. You might make a deal and he would be left out. I want to be there if there is anything wrong. The Acting Chief of Police states the second complaint was made and investigated and he suggests that this matter be reviewed, that both of them be reviewed and reported to both caucuses. He asks that the Council look at both of them. Councilman Bauer states we never had a quorum. Councilman Daley responds this meeting can be held without one.

Public Comment Closes

The Chair asks if there are other members wishing to speak. He closes the public hearing at 7:44 p.m.

Motion to Adjourn

The Acting Chair declares the meeting adjourned at 7:45 p.m. He thanks the members of the public for coming.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk